

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION**

ANGELA MARIE RENNIE,)	
)	
Plaintiff,)	
)	
v.)	No. 4:22-cv-00314-WJE
)	
KILOLO KIJAKAZI,)	
Acting Commissioner of Social Security)	
)	
Defendant.)	

ORDER

On February 6, 2023, Plaintiff, by attorney Kyle H. Sciolaro, filed a motion for an award of attorney fees and reimbursement for the \$402.00 District Court filing fee under the Equal Access to Justice Act (the “EAJA”), 28 U.S.C. § 2412. (Doc. 19). The Acting Commissioner responded to the pending motion, stating that the parties have agreed on an amount to be paid.¹ (Doc. 21).

Under the EAJA, a prevailing party in an action brought against the United States shall be awarded attorney fees unless the position of the United States was “substantially justified” or special circumstances make an award unjust. 28 U.S.C. § 2412(d)(1)(a). Additionally, under the EAJA, a prevailing plaintiff in a civil action against the United States may be awarded reimbursement for litigation costs. 28 U.S.C. § 2412(a)(1). Plaintiff was a prevailing party in this action, an award is appropriate, Plaintiff incurred the cost of the District Court filing fee, and the amount of fees agreed to by the parties is reasonable.

THEREFORE, IT IS ORDERED that the motion of Plaintiff Angela Marie Rennie for an award of attorney fees under the EAJA in the amount of \$7,500.00 is granted. (Doc. 19). It is further

¹ In accordance with *Astrue v. Ratliff*, 560 U.S. 586 (2010), the EAJA fee is payable to plaintiff as the litigant and may be subject to offset to satisfy any pre-existing debt the litigant may owe to the United States.

ORDERED that an award of attorney fees is to be paid by the Social Security Administration. It is further

ORDERED that Plaintiff is awarded costs of filing in the amount of \$402.00, payable from the United States Treasury's Judgment Fund. It is further

ORDERED that, because Plaintiff has assigned any fee award to her attorney, the Social Security Administration shall pay the award of attorney fees in the amount of \$7,500.00, less any offsets for federal debts owed by Plaintiff, to Plaintiff's attorneys, BurnettDriskill. *See Astrue v. Ratliff*, 560 U.S. 586, 597 (2010).

Dated this 21st day of February, 2023, at Jefferson City, Missouri.

Willie J. Epps, Jr.

Willie J. Epps, Jr.
United States Magistrate Judge